

**DEPARTMENT OF PUBLIC WORKS
NOTICE 865 OF 2016**

**FINDINGS AND SANCTIONS OF THE INVESTIGATING COMMITTEE PUBLISHED IN
TERMS OF THE CONSTRUCTION INDUSTRY DEVELOPMENT REGULATIONS, 2004
(AS AMENDED)**

The Construction Industry Development Board hereby publishes in terms of regulation 29(26) of the Construction Industry Development Regulations the details of the findings and sanctions of the investigating committee as set out in the **Schedule**.

Contractor Name	CRS Number	Company/ Corporation Registration Number	Nature of Complaint
JM Mncwango Trading CC	CRS 121747	2011/115673/07	The Respondent submitted payments into a bank account of an ex - employee of the cidb (Pema)
Sanction imposed by CIDB			
<p>Effective date: 22 July 2016</p> <p>The Board orders that:</p> <ol style="list-style-type: none"> A fine of R30 000.00 be imposed on the Respondent, due and payable on 30 November 2016; The sanction has no impact on any pending tenders during the period of payment; A probation be placed on any new applications and upgrades until the fine has been paid in full; The registration of the Respondent be suspended, if the fine is not paid, upon the expiry of the 3 months until payment is effected in full; The Respondent be prohibited from participating in the public sector construction works procurements for a period of 2 years, which order is suspended for a period of 2 years on condition that the Respondent is not found guilty of a similar offence. 			

Contractor Name	CRS Number	Company/ Corporation	Nature of Complaint
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		Registration Number	
Peace and Unity	10064333	2010/045080/23	The Respondent is charged with sub-contracting construction work to Tirhisano without being registered on the cidb;
Sanction imposed by CIDB			
Effective date: 22 July 2016			
The Board orders that:			
<ul style="list-style-type: none"> a. A fine of R30, 000.00 be imposed on the Respondent, due and payable before 30 November 2016; b. The sanction has no impact on any pending tenders during the period of payment; c. A probation be placed on any new applications and upgrades until the fine has been paid in full; d. If at the end of the 3 months payment period the Respondent has not settled the fine in full, the Respondents registration be suspended until the fine has been paid in full; e. The Respondent is prohibited from participating in the public sector construction works procurements for a period of 2 years, which order is suspended for a period of 2 years on condition that the Respondent is not found guilty of a similar offence. 			

Contractor Name	CRS Number	Company/ Corporation Registration Number	Nature of Complaint
Mashishing Distributors CC	216507	2005/003200/23	The Respondent a, in his capacity as a cidb employee, was involved in the application of the Respondent, in that he activated grade 1GB of the Respondent in the CCC Mpumalanga on 11 October 2009.
Sanction imposed by CIDB			
Effective date: 25 July 2016			
The Board orders that:			
<ul style="list-style-type: none"> a. A fine of R45, 000.00 be imposed on the Respondent, to be paid over a period of three (3) months from date of issue of the sanction; b. The sanction has no impact on any pending tenders during the period of payment; 			

- c. A probation be placed on any new applications and upgrades until the fine has been paid in full;
- d. If at the end of the 3 months payment period the Respondent has not settled the fine in full, the Respondents registration be suspended until the fine has been paid in full;
- e. The Respondent is prohibited from participating in the public sector construction works procurements for a period of 3 years, which order is suspended for a period of 4 years on condition that the respondent is not found guilty of a similar offence."

Contractor Name	CRS Number	Company/ Corporation Registration Number	Nature of Complaint
Nelson Mandela Bay Municipality	500056		<p>Charge 1: The Respondent failed to register those projects awarded;</p> <p>Charge 2: The Respondent failed to publish the invitations to tender;</p> <p>Charge 3: The Respondent contravened the CIDB code of conduct.</p>
Sanction imposed by CIBD			
<p>Effective date: 20 September 2016</p> <p>The Board orders that:</p> <ul style="list-style-type: none"> a. A fine of R70,000.00 be imposed on the Respondent; wholly suspended for a period of 2 years on condition that the Respondent is not found guilty of a similar offence committed during the period of suspension; b. The Respondent to pay a cost order of R30, 000.00, payable within 60 days. 			

Contractor Name	CRS Number	Company/ Corporation Registration Number	Nature of Complaint
Kotlolo Engineering CC	227095	2009/004268/23	The Respondent is charged with the submission of false appointment letters, false completion certificates, and false progress payment report, in contravention of the code of conduct

Sanction imposed by CIDB

Effective date: 11 October 2016

The Board orders that:

- a. The Respondent is guilty of the charge;
- b. The Respondent's application of 1 April 2016, be regarded as non-compliant, and be disregarded by the cidb;
- c. A fine of R30 000.00 be imposed on the Respondent, payable by the Respondent within 3 (three) months, failing which, cancellation of the registration of the Respondent, should be effected by the cidb;
- d. The following of the Respondent's current grading designations be downgraded by one grade, namely 5CE to 4CE and 6GB to 5GB;
- e. The Respondent pay the reasonable costs incurred by the cidb in respect of the formal inquiry, inclusive of the foregoing investigation.

Contractor Name	CRS Number	Company/ Corporation Registration Number	Nature of Complaint
Amafuto Constructing and Trading	262256	2011/114286/07	The Respondent is charged with the submission of a false appointment acceptance letter, false completion certificates, and false remittance advice, in contravention of the code of conduct.
Sanction imposed by CIDB			
Effective date: 11 October 2016			
The Board orders that:			
<ol style="list-style-type: none"> a. The Respondent is guilty of the charge; b. The Respondent's application of 12 March 2014, be regarded as non-compliant, and be disregarded by the cidb; c. The Respondent's current grading designation be removed from the register, namely the 3CE PE grading and that the previous grading of 1GB PE be restored; d. A fine of R20 000.00 be imposed on the Respondent, payable by the Respondent within 3 (three) months; failing which, cancellation of the registration of the Respondent, should be effected by the cidb; e. The Respondent pay the reasonable costs incurred by the cidb in respect of the formal inquiry, inclusive of the foregoing investigation. 			

Contractor Name	CRS Number	Company/ Corporation Registration Number	Nature of Complaint
Tsakelane Construction Enterprise CC [CRS 163829	163829	2011/114286/07	The Respondent is charged is submission of a false appointment letters, false completion certificate, false payment advice, and false FNB bank statements, in contravention of the code of conduct.
Sanction imposed by CIDB			
Effective date: 11 October 2016			
The Board orders that:			
a. The Respondent is guilty of the charges;			
b. The Respondent's application of 15 September 2015, be regarded as non-compliant, and be disregarded by the cidb;			
c. A fine of R60 000.00 be imposed on the Respondent, payable by the Respondent within 3 (three) months, failing which, cancellation of the registration of the Respondent, should be effected by the cidb;			
d. The Respondent pay the reasonable costs incurred by the cidb in respect of the formal inquiry, inclusive of the a foregoing investigation.			